

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO.358

CASE NO. 81-12

DECEMBER 10, 1981

Pursuant to notice, a public hearing was held by the District of Columbia Zoning Commission on October 19, 1981 to consider an amendment to the Zoning Map of the District of Columbia, filed by Sigal Development, Corp., et al. The hearing was conducted pursuant to Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

### FINDINGS OF FACT

1. This application requests the extension of the existing boundary of the C-4 zoning district to include Lots 804 and 824 and part of Lot 807 in Square 284 which are presently zoned HR/C-3-C. The subject property is located at the northeast corner of the intersection of 13th and K Streets, N.W., extending to a depth of 140 feet on 13th Street and a depth of approximately 157 feet along K Street. The existing zoning boundary line lies seventy-one feet east of and parallel to the right-of-way of 13th Street, N.W., leaving the east ten feet of Lot 807 and the entirety of Lots 824 and 804 in the HR/C-3-C District. The total area of the site is 22,013 square feet, of which approximately 10,000 square feet is zoned C-4 at present and 11,993 square feet is zoned HR/C-3-C and is the subject of this application.

2. The C-3-C District permits major business and employment centers of medium/high density development, including residential, office, retail and mixed uses to a maximum height of ninety feet and a maximum Floor Area Ratio (FAR) of 6.5. The HR/C-3-C District also permits hotel and apartment buildings to a height of 130 feet and a maximum FAR of 8.5.

3. The C-4 District is designed for the downtown core of the retail and office center serving the District of Columbia and the metropolitan area. High density residential, office, retail and mixed use developments are permitted to a maximum height of 130 feet, pursuant to Paragraph 5201.22 of the Zoning Regulations, and a maximum

FAR of 10.0, pursuant to Paragraph 5301.21 of the Zoning Regulations, if the property fronts on a street at least 110 feet wide.

4. The Hotel-Residential Incentive(HR) Overlay District is designed to encourage construction of hotels and apartment houses in areas so mapped, by providing that hotels and apartment houses may be constructed at greater building heights and densities than other buildings and uses permitted in the underlying zone districts. The general goal of the HR District is to create a mixed use transition area including housing, hotels, office, and retail uses between high-density commercial areas in the heart of downtown and predominantly residential areas north of Massachusetts Avenue, N.W.

5. The applicants are the contract purchasers of Lots 809, 808, 807, 824, and 804 in Square 284. The applicants intend to construct a modern office and retail building on the site to help meet the shortage of office space in the District of Columbia. This site, located two blocks northeast of the McPherson Square Metro stop at 14th and I Streets, N.W., has remained underutilized for a number of years. Lots 808 and 809 at the corner of 13th and K Streets are improved with a two story structure housing a stationery supplier, camera rental store, and the offices of the Metropolitan Washington Planning and Housing Association. Lot 807 is used for surface parking. Lots 824 and 804 are presently developed with a small office building used by Goodwill Industries.

6. The applicants' development site is located at the northeast corner of 13th and K Streets, N.W., diagonally across from Franklin Park. That portion of Square 284 fronting the 13th Street corridor is currently zoned C-4. The northeast quadrant of the square is zoned HR/SP-2. The remainder of the square is zoned HR/C-3-C. The subject site can support C-4 zoning and higher density development than that permitted under HR/C-3-C by virtue of the fact that it fronts on two wide streets. K Street is one of the widest east-west highways in the city, being just under 150 feet in width at this location, and 13th Street is 110 feet in width.

7. The northern half of the subject Square 284 contains parking lots and a public school. The northwest quadrant of the square, directly north of the subject property, is being developed under C-4 zoning with an office building to a height of 130 feet. To the east of the subject property towards 12th Street, is a five-story printing plant and an eight story motor inn containing a parking garage. Across 13th Street to the west of the subject property is the Firestone Auto Service establishment and other low rise buildings. Across K Street to the south of the subject

property, in the north half of Square 285, is the four-story Franklin School Adult Education Center Building. The southwest part of the 13th Street frontage of Square 285 is being developed with an office-retail building to a height of 130 feet. Immediately to the southwest of the site is Franklin Park. Further to the west, the area again zoned C-4 and is characterized by intense office-retail development to a permitted height of 130 feet.

8. The boundary line separating the C-4 and HR/C-3-C District divides lot 807, with the western 19.2 feet of the lot zoned C-4 and the eastern ten feet zoned HR/C-3-C. There is no apparent justification for the boundary line splitting the lot.

9. The approval of the requested rezoning would result in the zone boundary line located at a depth of approximately 157 feet from 13th Street. This dimension would be comparable to the location of the zone boundary line in the northern part of the subject square and the southern part of the adjoining Square 285 to the south.

10. The requested rezoning would straighten out the zoning lines in the square, and would include all properties presently in single ownership in the same zone district. There are presently four ownerships in the square, including the public school in the northeast quadrant, the office building under construction in the northwest quadrant, the hotel in the southeast quadrant and the subject property in the southwest quadrant.

11. The subject site lies two blocks east and north of the McPherson Square Metrorail Station for the blue and orange lines at 14th and Eye Streets, N.W. and three blocks north of the Metro Center station for the red line at 13th and G Streets, N.W.

12. The subject site is three blocks west and north of the Convention Center site. The subject property is within the impact area of the Convention Center. Development of the site can be an important catalyst for redevelopment in the eastern part of the city. From a city planning standpoint, the project is consistent with the stated objectives of the Convention Center development in terms of providing the important projected spinoff benefits. Further, the proposed office development would complement the existing hotel use in the square.

13. The proposed change in zoning will not adversely affect Franklin Park since the existing zoning fronting on all sides of the park is now C-4. The size and scale of the applicants' proposed building will match that of the developments at the southeast corner of 13th and L Streets, N.W., adjacent to the subject property on the north side,

and at the northeast corner of 13th and Eye Streets, N.W., in Square 285.

14. That portion of the subject property which is presently zoned C-4 has a narrow width of only seventy-one feet and is the most shallow site in this entire area of C-4 zoning. By virtue of this narrow width, the existing split-zoning creates several problems. The building would be virtually split in half, one half built to a height of ninety feet, the other to a height of 130 feet. This would require two elevator cores, two penthouses and additional mechanical equipment such as risers. By virtue of the split building, additional plumbing and duct work would have to be provided. Since a greater percentage of the building would have to be utilized for the core, the resulting office space on the top floors of the taller half would be reduced by fifty percent, from a width of forty feet to a width of only twenty feet. The result would be less efficient and less marketable office space. In addition to the design constraints imposed by the existing split-zoning, there are additional plumbing and mechanical costs by virtue of having to provide a split mechanical system. Further, a split-zoned building with an uneven roof line that exposes the alley view of the building to the north is less desirable.

15. The existing five-story printing plant located immediately adjacent to the subject site on the east is owned by the owners of the adjoining motor inn. The printing plant site is not large enough to be developed on its own with a full height and bulk office building typical of the C-3-C District. It is likely that at some point in the future, the printing plant site will be developed as part of an expansion of the motor inn. As such, it would have a permitted height of 130 feet. Approval of C-4 zoning for the subject site would allow a uniform 130 foot height profile along the entire north side of K Street between 12th and 13th Streets.

16. Under the proposed zoning, the site could be developed to provide additional office space, additional tax revenue and additional job opportunities with only an incremental increase in the energy systems for a building developed under the existing split- zoning.

17. The proposed development has adequate on-site parking provided, and the surrounding streets are underutilized and have the capacity to accept any increased traffic resulting from the proposed change in zoning. High density development in the area of Metrorail facilities is consistent with Metro planning and provides the city with the greatest return for its mass transit investment.

18. The Office of Planning and Development (OPD), by report dated October 9, 1981 and by testimony at the public

hearing, recommended approval of the application for the following reasons:

- (a) The proposed new development under the proposed zoning would accommodate approximate 150 to 200 additional employees, helping revitalize a currently run down subsector of downtown and helping strengthen the city's employment base.
- (b) The site is well-served by the Metrorail stations and other infrastructure designed to accommodate high-intensity development.
- (c) Development at a consolidated C-4 level would generate substantial tax revenues to the City.
- (d) Development under a consolidated C-4 zoning would avoid creation of an architecturally less desirable split-mass and split-height structure and would permit a more efficient building to be constructed.
- (e) The development is not inconsistent with the goals of the Hotel-Residential Incentive Zone given the location of the Midtown Best Western Hotel at the corner of 12th and K Streets, N.W. and its ownership of Lot 825 for future expansion.

The Commission agrees with the findings and recommendation of the OPD.

19. The Departments of Environmental Services, and Transportation and the Fire Department submitted reports indicating no objection to the proposed change.

20. The applicants submitted four letters of support from owners of property within Square 284.

21. Advisory Neighborhood Commission- 2C was notified of the subject application and submitted no recommendations.

22. One person appeared at the public hearing in opposition to the application. He objected to the rezoning on the grounds that no hotel or residential use is to be included in the proposed development. The Commission does not intend by its regulations to require that every property in the downtown area or in the area now covered by the Hotel-Residential Incentive District have a combination of uses or include hotel or residential use. The Commission provided incentives for hotel or residential development, but did not require such development. The Commission further notes that there is already a hotel existing in the square.

23. This application was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC reported that the amendment would not significantly alter effects on Federal interests in the preservation and protection of K Street, and would not adversely affect other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

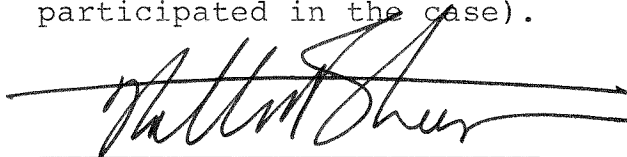
1. Rezoning to C-4 is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat, 797), by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to C-4 will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to C-4 will not have an adverse impact on the surrounding neighborhood.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders APPROVAL of the following actions:

Change from HR/C-3-C to C-4, lots 804 and 824 and that portion of lot 807 now zoned HR/C-3-C, all in Square 284.

Vote of the Commission at the public meeting held on November 12, 1981: 3-1 (Commissioners Ruby B. McZier, Walter B. Lewis and Lindsley Williams, to approve C-4 - George M. White, opposed and John G. Parsons, not voting not having participated in the case).



WALTER B. LEWIS  
Chairman  
Zoning Commission



STEVEN E. SHER  
Executive Director  
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on December 10, 1981: 3-1 (Ruby B. McZier, Lindsley Williams, and Walter B. Lewis, to adopt -

George M. White, opposed and John G. Parsons, not voting not having participated in the case).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective

on 25 DEC 1981.